

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OLIE EUGENE HENDRICKS,

Petitioner,

v.

DAVID LONG,

Respondent.

Case No. [15-cv-00661-KAW](#) (PR)

ORDER OF TRANSFER

Petitioner, a state prisoner incarcerated at California City Correctional Facility ("CAC"), located in Kern County, has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the validity of his conviction, which was obtained in Sacramento County Superior Court.

A federal petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court is properly filed in either the district of confinement or the district of conviction. 28 U.S.C. § 2241(d). The district court where the petition is filed, however, may transfer the petition to the other district in the furtherance of justice. *Id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

Petitioner was convicted in Sacramento County Superior Court, which lies within the venue of the Eastern District of California. 28 U.S.C. § 84(b). He is incarcerated at CAC, in Kern County, which lies within the venue of the Eastern District of California. *Id.* § 84(d). Thus, jurisdiction over the petition exists in the Eastern District, not in the Northern District.

Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice,

1 the Clerk of the Court is ordered to TRANSFER this action forthwith to the United States District
2 Court for the Eastern District of California.

3 All remaining motions are TERMINATED on this Court's docket.

4 **IT IS SO ORDERED.**

5 Dated: April 6, 2015



KANDIS A. WESTMORE
UNITED STATES MAGISTRATE JUDGE

United States District Court
Northern District of California